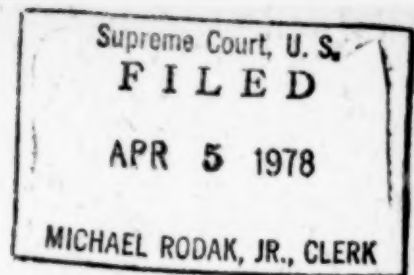


No. 77-1304



In the Supreme Court of the United States

OCTOBER TERM, 1977

JOSEPH M. McADAMS, ET AL., PETITIONERS

v.

GRIFFIN B. BELL, ATTORNEY GENERAL OF THE
UNITED STATES, ET AL.

*ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR
THE FIFTH CIRCUIT*

**MEMORANDUM FOR THE RESPONDENTS
IN OPPOSITION**

WADE H. MCCREE, JR.,
*Solicitor General,
Department of Justice,
Washington, D.C. 20530.*

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The petition for a writ of certiorari was not timely filed. The judgment of the court of appeals in this civil suit was entered on November 16, 1977. A petition for rehearing was denied on December 12, 1977 (Pet. App. B). The time for filing a petition for a writ of certiorari was not extended, and accordingly the 90-day period provided by 28 U.S.C. 2101(c) for the filing of petitions in civil cases expired on March 12, 1978. The petition was filed on March 17, 1978.

The time limit imposed by 28 U.S.C. 2101(c) is jurisdictional. *Department of Banking v. Pink*, 317 U.S. 264; *Toledo Scale Co. v. Computing Scale Co.*, 261 U.S. 399, 418. The petition for a writ of certiorari therefore should be denied.

Respectfully submitted.

WADE H. MCCREE, JR.,
Solicitor General.

APRIL 1978.

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